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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/784,422	02/14/2001	Daniel J. Carr	70001	5065
23872	7590	07/25/2005		
MCGLEW & TUTTLE, PC P.O. BOX 9227 SCARBOROUGH STATION SCARBOROUGH, NY 10510-9227			EXAMINER CHO, HONG SOL	
			ART UNIT	PAPER NUMBER
			2662	

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/784,422

Applicant(s)

CARR, DANIEL J.

Examiner

Hong Cho

Art Unit

2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 November 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-14 and 18-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-14 and 18-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Amendment*

1. The following is a response to the amendments filed on 11/12/2004. Claims 2 and 15-17 were canceled. Claims 1, 3-14 and 18-21 are pending in the instant application.

### *Claim Rejections - 35 USC § 112, first paragraph*

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1 and 3-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Re claim 1, it recites "*a telephone line network interface connected to a telephone line and connected to said network for receiving packets from said network and sending packets to said network including packets with telephone voice data, said network call processor controlling packets from said line network interface to said network telephones*". The original specification fails to describe the above claim limitation.

Claims 3-13 depending on claim 1 are therefore similarly rejected.

***Claim Rejections - 35 USC § 112, Second paragraph***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1, 3-13 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 1, it is not clear what is meant by “*a plurality of network telephones... having web pages*”. It cannot be seen how a network telephone can have web pages.

Re claims 8 and 21, it is not clear what is meant by “*said network telephone key has a function that changes based on the content of the display*”. It cannot be seen how a network telephone key has a function that changes based on the content of the display.

Claims 3-13 depending on claim 1 are therefore similarly rejected.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United

States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 3-12, 14 and 18-21 are rejected under 35 U.S.C. 102(e) as being unpatentable over Platt et al (U.S 6757363), hereinafter referred to as Platt.

Re claims 1, 6, 11, 14, 18 and 19, Platt discloses a network telephone system comprising a distributed network (abstract), a network call processor (figure 1, element 31) with data storage forming a central database connected to said network (figure 1, element 32; column 3, lines 10-13), a plurality of network telephones (figure 1, elements 21-26), each network telephone being connected to said network (abstract) and having user specific records at said central database (column 10, lines 46-48) and having web pages (column 8, lines 34-35), each telephone having a display for displaying information stored in said central database including user specific records (42-45) and having at least one key (figure 2), a network device connected to said network (abstract), a web browser software interface supported by said network device for accessing said web pages and data for managing said central database to add and remove names and telephone numbers to said database (column 10, lines 39-53), said key of said network telephones actuating said user specific records for display of at least a part of said user specific records on said telephone display (column 10, line 55 to column 11, line 8) and a telephone line interface connected to a telephone line and connected to said network (figure 3, element 132; column 5, lines 56-58) for receiving packets from said network and sending packets to

said network including packets with telephone voice data, said network call processor controlling packets from said line network interface to said network telephones (column 7, lines 28-32), said web browser further including means for actuating the user's network telephone via the software interface at said network device using said network device and making a call using one of the numbers, said call including voice packets being sent to the user's actuated network telephone (column 7, lines 1-10; lines 27-38).

Re claims 3-5, Platt discloses said database system including system telephone data and said user specific data and said web browser software interface with a personal user directory that includes a name directory of users of the system including user access numbers whereby each user can access each of a company name directory and a personal name directory via said web browser and keys of the user's network telephone (column 8, lines 42-51). Platt discloses said web browser software interface with features for customizing the display of user data at said network telephone display (column 8, lines 37-39).

Re claims 7 and 20, Platt discloses said network telephone key associated with said display for one or both of accessing the numbers for display on the display for selecting a number and for calling the selected number on the user telephone network (figure 4; column 6, lines 31-36).

Re claims 8 and 21, Platt discloses a network telephone key functioned to change the content of the display (column 6, lines 55-58).

Re claim 9, Platt discloses a call network manager and a resource server connected to the distributed network (figure 1).

Re claim 10, Platt discloses a view of the telephone with its internal circuitry (figure 3). Platt discloses a microcontroller coupled to the display (*controlling the display for selectively displaying information*) and network interface circuit that interfaces the microcontroller to the Ethernet network (*a packet controller and input/output circuitry for controlling packets, column 5, lines 48-59*).

Re claims 12 and 18, Platt discloses a packet-switched network where network telephones are connected to the public switched telephone network via gateway as shown in figure 1 (column 3, lines 14-17). It is inherent that when one network is connected to the other network via gateway, the overall network operated under two different collision domains.

### *Claim Rejections - 35 USC § 103*

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Platt.

Re claim 13, Platt teaches network telephone with a packet controller receiving packets from network devices and making a call to one of the telephones, but fails to expressly disclose producing a conference call. It would have been obvious to one

having ordinary skill in the art at the time the invention was made to include the feature of conference call into Platt to get the benefits communicating with more than one user so that the feature is used to improve business marketing.

*Response to Arguments*

10. Applicant's arguments with respect to claims 1, 3-14 and 18-21 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.



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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hong Cho whose telephone number is 571-272-3087.

The examiner can normally be reached on Mon-Fri during 7 am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 571-272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3088.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hong Cho  
Patent Examiner  
3-15-2005



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